

**STATE WATER RESOURCES CONTROL BOARD  
BOARD MEETING – DIVISION OF WATER QUALITY  
MAY 2, 2006**

**ITEM 2**

**SUBJECT**

**INFORMATIONAL ITEM:** STATUS UPDATE ON THE EFFORTS OF THE STORM WATER PANEL EVALUATING THE FEASIBILITY OF DEVELOPING NUMERIC STORM WATER LIMITS OR OTHER MEASURABLE OBJECTIVES FOR INCLUSION IN STORM WATER PERMITS

**DISCUSSION**

Numeric limits have not been included in the majority of National Pollutant Discharge Elimination System (NPDES) Storm Water permits adopted by the State Water Resources Control Board (State Water Board) and the Regional Water Quality Control Boards.

Numeric limits in Storm Water Permits have been a point of controversy since the first NPDES Storm Water Permits were adopted in the early 1990's. Non-governmental organizations (NGOs) believe that numeric limits are critical in measuring whether a discharger is in fact in compliance with permit requirements and in measuring water quality improvement. The NGOs also believe the permits have become overly complex and that it is becoming more and more difficult to determine when a discharger is in or out of compliance. The regulated community believes that they are not necessary, as the measure of permit compliance should be based upon the implementation of best management practices (BMPs). There is also the widespread position that storm water is generally complex enough (intensity, duration, antecedent dry periods, etc.) that it is not possible to develop meaningful numeric limits.

In 2005, staff of the State Water Board proposed the inclusion of "benchmarks" in the draft General NPDES Permits for Discharges of Storm Water Associated with Industrial Activities (General Industrial Permit). The NGOs felt the benchmarks did not go far enough while the regulated community believed the benchmarks went too far, and would become de-facto numeric limits. Because this issue is so controversial, the reissuance of the General Industrial Permit has been delayed. In response to the concerns that were raised when the reissuance of the General Industrial Permit was last discussed by the State Water Board, Board management directed staff to convene a panel of storm water experts to evaluate whether it was possible to develop numeric limits or other quantifiable limits for inclusion in Storm Water Permits.

Public meetings with the panel were conducted by State Water Board staff on September 14 and 15, 2005. On the first day, the panel heard presentations made by

NGOs and the regulated community, and it heard comments from the public at large. On the second day, the panel considered what they had heard and began the process of drafting a response to its charge.

The panel met again on April 3 and 4, 2006 to address final issues and to initiate the drafting of a “final” position paper on the question of numeric limits. Significant progress has been made on this but, at present, a final product has not been completed. Staff believes that a final position paper will be submitted by mid-May 2006.

Once a final product is received, it will be circulated to State Water Board management for review. If it is received by mid-May, staff would present this to the State Water Board for its consideration in July 2006.

**POLICY ISSUE**

None at this time. This is an informational item.

**FISCAL IMPACT**

None at this time.

**REGIONAL WATER QUALITY CONTROL BOARD IMPACT**

None at this time.